

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SENATE BILL 127

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Cynthia Nava

FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

AN ACT

RELATING TO EDUCATION; REQUIRING SCHOOL DISTRICTS TO PAY
TUITION AND FEES OF PUBLIC SCHOOL STUDENTS WHO RECEIVE HIGH
SCHOOL CREDIT FOR HIGHER EDUCATION COURSEWORK.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 21-1-2 NMSA 1978 (being Laws 1970,
Chapter 9, Section 1, as amended) is amended to read:

"21-1-2. MATRICULATION AND TUITION FEES. --

A. Except as otherwise provided in this section and
in Section 21-1-4.3 NMSA 1978, the boards of regents of the
university of New Mexico, New Mexico state university, New
Mexico highlands university, western New Mexico university,
eastern New Mexico university, New Mexico military institute,
New Mexico institute of mining and technology and New Mexico
junior college shall establish and charge matriculation fees

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 and tuition fees as follows:

2 (1) each student shall be charged a
3 matriculation fee of not less than five dollars (\$5.00) upon
4 enrolling in each institution;

5 (2) each student who is a resident of New
6 Mexico shall be charged a tuition fee of not less than twenty
7 dollars (\$20.00) a year;

8 (3) each student who is not a resident of New
9 Mexico shall be charged a tuition fee of not less than fifty
10 dollars (\$50.00) a year;

11 (4) each student shall be charged a tuition
12 fee of not less than ten dollars (\$10.00) for each summer
13 session; and

14 (5) each student may be charged a tuition fee
15 for extension courses.

16 B. Except as otherwise provided in this section and
17 in Section 21-1-4.3 NMSA 1978, the board of regents of northern
18 New Mexico state school shall establish and charge each student
19 a matriculation fee and a tuition fee.

20 C. The board of regents of each institution may
21 establish and grant gratis scholarships to students who are
22 residents of New Mexico in an amount not to exceed the
23 matriculation fee or tuition and fees, or both. These
24 scholarships are in addition to the lottery tuition
25 scholarships authorized in Section 21-1-4.3 NMSA 1978 and shall

. 153038. 2

underscored material = new
[bracketed material] = delete

1 be granted to the full extent of available funds before lottery
2 tuition scholarships are granted. The number of scholarships
3 established and granted pursuant to this subsection shall not
4 exceed three percent of the preceding fall semester enrollment
5 in each institution and shall not be established and granted
6 for summer sessions. The president of each institution shall
7 select and recommend to the board of regents of his
8 institution, as recipients of scholarships, students who
9 possess good moral character and satisfactory initiative,
10 scholastic standing and personality. At least thirty-three and
11 one-third percent of the gratis scholarships established and
12 granted by each board of regents each year shall be granted on
13 the basis of financial need.

14 D. The board of regents of each institution set out
15 in this subsection may establish and grant, in addition to
16 those scholarships provided for in Subsection C of this
17 section, athletic scholarships for tuition and fees. In no
18 event shall the board of regents of any institution be allowed
19 to award scholarships for tuition and fees for more than the
20 number of athletic scholarships set out in this subsection and
21 in no event shall more than seventy-five percent of the
22 scholarships granted be for out-of-state residents:

23 (1) the board of regents of the university of
24 New Mexico may grant up to two hundred ninety-three athletic
25 scholarships;

. 153038. 2

underscored material = new
[bracketed material] = delete

1 (2) the board of regents of New Mexico state
2 university may grant up to two hundred seventy athletic
3 scholarships;

4 (3) the boards of regents of New Mexico
5 highlands university, eastern New Mexico university and western
6 New Mexico university may each grant up to one hundred forty
7 athletic scholarships; and

8 (4) the board of regents of New Mexico junior
9 college may grant up to fifty-two athletic scholarships.

10 E. In the event that the number of athletic
11 scholarships exceeds the number of athletic scholarships
12 permitted that institution by regulations and bylaws of the
13 national collegiate athletic association or the national
14 association of intercollegiate athletics of which that
15 institution is a member, the appropriate board of regents shall
16 reduce the number of authorized tuition scholarships to comply
17 with association rules and regulations.

18 F. Matriculation fees and tuition fees shall be
19 fixed and made payable as directed by the board of regents of
20 each institution, collected by the officers of each institution
21 and accounted for as are other funds of the institutions.
22 Matriculation fees shall be charged only once for each
23 institution in which a student enrolls.

24 G. Unless the school district and the institution
25 agree to reduce or waive the tuition and fees, a public school

underscored material = new
[bracketed material] = delete

1 district shall transfer to a public post-secondary educational
2 institution enumerated in Subsection A or B of this section the
3 tuition and fees for a public school student who, during the
4 term, is counted in the membership of the district and will
5 receive high school credit for coursework at the institution."

6 Section 2. Section 21-13-19 NMSA 1978 (being Laws 1968,
7 Chapter 70, Section 2, as amended) is amended to read:

8 "21-13-19. ENROLLMENT DEFINED--PAYMENTS.--

9 A. For those students in community colleges taking
10 college-level courses, full-time-equivalent students shall be
11 defined and computed by the commission on higher education in
12 the same manner in which it defines and computes full-time-
13 equivalent students for all other college-level programs within
14 its jurisdiction.

15 B. No student shall be included in any calculations
16 made under the provisions of this section if the student is
17 enrolled in a course the cost of which is totally reimbursed
18 from federal, state or private sources. Unless the school
19 district and the community college agree to reduce or waive the
20 tuition and fees, the public school district shall transfer to
21 the community college the tuition and fees for any student who,
22 during the term, is counted in the membership of the public
23 school district and will receive high school credit for
24 coursework at the community college.

25 C. The commission on higher education shall not

. 153038. 2

underscored material = new
[bracketed material] = delete

1 recommend an appropriation greater than three hundred
2 twenty-five dollars (\$325) for each full-time-equivalent
3 student for any community college that levies a tax at a rate
4 less than two dollars (\$2.00), unless a lower amount is
5 required by operation of the rate limitation provisions of
6 Section 7-37-7.1 NMSA 1978 upon a rate of at least two dollars
7 (\$2.00) on each one thousand dollars (\$1,000) of net taxable
8 value, as that term is defined in the Property Tax Code, or any
9 community college that reduces a previously authorized tax
10 levy, except as required by the operation of the rate
11 limitation provisions of Section 7-37-7.1 NMSA 1978.

12 D. The commission on higher education shall require
13 from the community college such reports as the commission deems
14 necessary for the purpose of determining the number of full-
15 time-equivalent students at the community college eligible to
16 receive support under this section.

17 E. A community college board shall establish
18 tuition and fee rates for its respective institutions for full-
19 time, part-time, resident and nonresident students, as defined
20 by the commission on higher education.

21 F. A community college board may establish and
22 grant gratis scholarships to students who are residents of New
23 Mexico in an amount not to exceed the matriculation fee or
24 tuition and fees, or both. The gratis scholarships are in
25 addition to the lottery tuition scholarships authorized in

. 153038. 2

underscored material = new
[bracketed material] = delete

1 Section 21-13-10 NMSA 1978 and shall be granted to the full
2 extent of available funds before lottery tuition scholarships
3 are granted. The number of scholarships established and
4 granted pursuant to this subsection shall not exceed three
5 percent of the preceding fall semester enrollment in each
6 institution and shall not be established and granted for summer
7 sessions. The president of each institution shall select and
8 recommend to the community college board of his institution, as
9 recipients of scholarships, students who possess good moral
10 character and satisfactory initiative, scholastic standing and
11 personality. At least thirty-three and one-third percent of
12 the gratis scholarships established and granted by each
13 community college board each year shall be granted on the basis
14 of financial need."

15 Section 3. Section 21-14-1 NMSA 1978 (being Laws 1957,
16 Chapter 143, Section 1, as amended) is amended to read:

17 "21-14-1. BRANCH COMMUNITY COLLEGE EDUCATIONAL PROGRAM
18 AND ENROLLMENT DEFINED. --

19 A. "Branch community college educational program",
20 for the purposes of Chapter 21, Article 14 NMSA 1978, includes
21 either the first two years of college education or organized
22 vocational and technical curricula of not more than two years'
23 duration designed to fit individuals for employment in
24 recognized occupations, or both.

25 B. The calculation of full-time-equivalent student

. 153038. 2

underscored material = new
[bracketed material] = delete

1 population for the purposes of Chapter 21, Article 14 NMSA 1978
2 shall include students enrolled in college-level courses and
3 students enrolled in vocational and technical courses taught by
4 a branch community college that is recognized by the vocational
5 education division of the public education department as an
6 area vocational school or in courses that are approved by the
7 ~~[state board of education]~~ department. Students enrolled in a
8 course the cost of which is totally reimbursed from federal,
9 state or private sources shall not be included in the
10 calculation of full-time-equivalent student population. Unless
11 the school district and the institution agree to reduce or
12 waive the tuition and fees, the public school district shall
13 transfer to the branch community college the tuition and fees
14 for any student who, during the term, is counted in the
15 membership of the public school district and will receive high
16 school credit for coursework at the branch community college. "

17 Section 4. Section 21-14A-2 NMSA 1978 (being Laws 1982,
18 Chapter 42, Section 2, as amended) is amended to read:

19 "21-14A-2. DEFINITIONS.--As used in the Off-Campus
20 Instruction Act:

21 A. "off-campus instruction program" means either
22 the first two years of college education or organized
23 vocational and technical curricula of not more than two years'
24 duration designed to fit individuals for employment in
25 recognized occupations, or both; and

. 153038. 2

underscored material = new
[bracketed material] = delete

1 B. "full-time-equivalent student" includes students
2 enrolled in college-level courses and students enrolled in
3 vocational and technical courses taught by an off-campus
4 instruction program. Students enrolled in a course the cost of
5 which is totally reimbursed from federal, state or private
6 sources shall not be included in the calculation of full-time-
7 equivalent student population. Unless the school district and
8 the institution agree to reduce or waive the tuition and fees,
9 the public school district shall transfer to the parent
10 institution the tuition and fees for any student who, during
11 the term, is counted in the membership of the public school
12 district and will receive high school credit for coursework at
13 the off-campus site. "

14 Section 5. Section 21-16-10 NMSA 1978 (being Laws 1968,
15 Chapter 59, Section 3, as amended) is amended to read:

16 "21-16-10. APPROPRIATION--DISTRIBUTION.--

17 A. The commission on higher education shall
18 recommend an appropriation for each technical and vocational
19 institute based upon its financial requirements in relation to
20 its authorized program and its available funds from
21 non-general fund sources; provided, the recommended
22 appropriation shall be an amount not less than three hundred
23 twenty-five dollars (\$325) for each full-time-equivalent
24 student.

25 B. The commission on higher education shall by rule
. 153038. 2

underscored material = new
[bracketed material] = delete

1 provide for the method for calculating the number of full-time-
2 equivalent students in technical and vocational institutes. No
3 student shall be included in any calculation of the number of
4 full-time-equivalent students if the student is enrolled in a
5 course, the cost of which is totally reimbursed from federal,
6 state or private sources. Unless the school district and the
7 technical and vocational institute agree to reduce or waive the
8 tuition and fees, the public school district shall transfer to
9 the technical and vocational institute the tuition and fees for
10 any student who, during the term, is counted in the membership
11 of the public school district and will receive high school
12 credit for coursework at the technical and vocational
13 institute.

14 C. The commission on higher education shall not
15 recommend an appropriation greater than three hundred
16 twenty-five dollars (\$325) for each full-time-equivalent
17 student for any technical and vocational institute that levies
18 a tax at a rate less than two dollars (\$2.00), unless a lower
19 amount is required by operation of the rate limitation
20 provisions of Section 7-37-7.1 NMSA 1978 upon a rate approved
21 by the electors of at least two dollars (\$2.00) on each one
22 thousand dollars (\$1,000) of net taxable value, as that term is
23 defined in the Property Tax Code, or any technical and
24 vocational institute that reduces a previously authorized tax
25 levy, except as required by the operation of the rate

. 153038. 2

underscored material = new
[bracketed material] = delete

1 limitation provisions of Section 7-37-7.1 NMSA 1978.

2 D. The board may establish and grant gratis
3 scholarships to students who are residents of New Mexico in an
4 amount not to exceed the matriculation fee or tuition and fees,
5 or both. The gratis scholarships are in addition to the
6 lottery tuition scholarships authorized in Section 21-16-10.1
7 NMSA 1978 and shall be granted to the full extent of available
8 funds before lottery tuition scholarships are granted. The
9 number of scholarships established and granted pursuant to this
10 subsection shall not exceed three percent of the preceding fall
11 semester enrollment in the technical and vocational institute
12 and shall not be established and granted for summer sessions.
13 The president of the technical and vocational institute shall
14 select and recommend to the board as recipients of scholarships
15 students who possess good moral character and satisfactory
16 initiative, scholastic standing and personality. At least
17 thirty-three and one-third percent of the gratis scholarships
18 established and granted by the board each year shall be granted
19 on the basis of financial need."

20 Section 6. EFFECTIVE DATE.--The effective date of the
21 provisions of this act is July 1, 2005.

22 - 11 -
23
24
25

. 153038. 2